UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/1991/SR.8
26 December 1991

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

First session

SUMMARY RECORD OF THE 8th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 3 October 1991, at 3.30 p.m.

Chairman: Mrs. BADRAN

CONTENTS

Adoption of the rules of procedure (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.91-17668/4061B

The meeting was called to order at 3.45 p.m.

ADOPTION OF THE RULES OF PROCEDURE (CRC/C/L.1) (continued)

Rule 65 (continued)

Paragraph 1

1. The CHAIRMAN read out the new version of rule 65 as formulated by the Rapporteur, which read:

> "1. So that the Committee may have a comprehensive understanding of the implementation of the Convention in the States parties concerned, States parties shall submit reports, through the Secretary-General, pursuant to article 44 of the Convention."

2. Mr. HAMMARBERG said that, if the Committee kept the first phrase, it would expose itself to criticism for interpreting the purposes of the reporting system restrictively. It would therefore be preferable to delete that first phrase "So that the Committee may have a comprehensive understanding of the implementation of the Convention in the States parties concerned".

3. Mrs. SANTOS PAIS said that she endorsed Mr. Hammarberg's opinion.

Paragraphs 2 and 3

4. The CHAIRMAN read out the new version of paragraphs 2 and 3 as formulated by the Rapporteur, which read:

> "2. States parties shall submit such reports within two years after the entry into force of the Convention for the State party concerned and thereafter they shall submit subsequent reports every five years and such additional reports or information in the intervening period as the Committee may request.
>
> 3. The Committee shall, through the Secretary-General, indicate to the States parties the form and contents of reports or information to be supplied to the Committee (in accordance with paragraphs 1 and 2 of this rule)."

5. The new version of rule 65, as orally amended, was adopted.

6. The CHAIRMAN recalled that, at its 6th meeting, the Committee had decided to postpone the consideration of those of its rules of procedure that dealt with the role of the specialized agencies, UNICEF and other United Nations organs, owing to the absence of representatives of those bodies. Noting that the representatives were present at the current meeting, she proposed that the Committee should examine the rules in question together with them.

Rule 34

7. Mr. MOMBESHORA said he wondered whether an organ which considered itself competent in an area of interest to the Committee but which had not been invited to participate in the Committee's work could still do so.

8. Mr. HOUSHMAND (Representative of the Secretary-General) said that, generally speaking, a distinction should be made between presence (of representatives of NGOs or the public) at Committee meetings and attendance as observers. Observer status required an invitation from the Committee, but that did not prevent a body that felt itself to be competent and had not been invited from requesting to attend. The Committee's authorization could also be granted generally for all public meetings in addition to being granted for one particular meeting.

9. Mrs. CREYDT (Committee for the Elimination of Discrimination against Women) said that she supposed the expression "United Nations organs" in paragraph 1 also included United Nations offices - including the Vienna office, to which the Committee she represented was attached. She would also like to know whether it was possible for any elected member of a treaty body to participate as an observer in the work of the Committee on the Rights of the Child.

10. Mr. HOUSHMAND (Representative of the Secretary-General) explained that the wording of article 34 closely followed the wording of the Convention itself and reflected the authors' intentions. "Other competent bodies" (para. 2) meant NGOs in particular, but also bodies such as the Committee for the Elimination of Discrimination against Women. The expression "United Nations organs" referred to treaty bodies and non-treaty bodies, such as the Commission on Human Rights, which thus had the right to participate in the Committee's work as observers.

11. Mr. SWEPSTON (International Labour Organisation) proposed that the word "private" should be deleted from the penultimate line of paragraph 1 and replaced by the word "other". The wording as it stood implied that the representatives of the specialized agencies, UNICEF and other United Nations organs could not take part in the meeting in progress, which was neither devoted to the consideration of the implementation of the Convention nor private.

12. Mr. HOUSHMAND (Representative of the Secretary-General) said he believed that the first sentence of the paragraph should be interpreted broadly and that it dealt with all public meetings of the Committee. However, the Committee could legitimately reserve the right to hold private meetings in which the representatives of the specialized agencies, UNICEF and other United Nations organs would participate only on invitation.

13. Mr. SWEPSTON (International Labour Organisation) said he realized that the Committee was entitled to hold private meetings, but requested clarifications of the meaning of the expression "as observers" in the first sentence of paragraph 1. That expression did not appear in article 45 (a) of the Convention.

14. Mr. HOUSHMAND (Representative of the Secretary-General) said that, according to the Secretariat's interpretation, the drafters of the Convention did intend the representatives of the specialized agencies, UNICEF and other United Nations organs to participate as observers in the work of the Committee's public meetings.

15. Mr. MIJETEIG-OLSSEN (United Nations Children's Fund) said that, first of all, there had been heated discussion concerning the wording of article 45 of the Convention, and that probably explained why rule 34 required a number of explanations. Some clarifications would no doubt be provided when items 8 and 9 of the Committee's agenda were considered. He also pointed out that, in UNICEF document E/ICEF/1991/L.7 - which had been referred to the Committee - UNICEF stressed the need to facilitate and promote the adoption and ratification of the Convention through cooperation at the international level with the specialized agencies and NGOs. As to the expression "as observers", which in fact did not appear in article 45 of the Convention, it would be a bit disturbing if it was understood in the passive sense. It should thus probably be explained more fully. He also pointed out, that unlike the rules of procedure of the Committee on Economic, Social and Cultural Rights, the draft rules of procedure under consideration did not mention the special role of NGOs, either in rule 34 or in rule 69. It should also be made clear that NGOs could take part in public meetings without an invitation.

16. Miss MASON said that she endorsed the remarks of the representative of UNICEF and noted that the Committee must be free to decide who would take part in any particular one of its meetings. Whoever had a role to play on behalf of children should be authorized to speak. What the Committee needed was to be given a clear picture of the situation of children throughout the world.

17. Mr. HAMMARBERG suggested that the Committee should come back to the questions under discussion when it considered agenda items 8 and 9. He nevertheless stressed the fact that NGOs were valuable partners and that it would be appropriate to mention their role in rule 34.

18. Mr. KOLOSOV noted that the word "observer" had a very precise meaning in the rule under review. Observer status did not prevent the representative of a body from making his opinion known or submitting a report. What distinguished an observer from a full member was the fact that he did not have the right to vote.

19. Mrs. SANTOS PAIS acknowledged that the wording of article 45 of the Convention might give rise to some very different interpretations. However, three conclusions could be drawn from rule 34 of the Committee's draft rules of procedure: first, the specialized agencies, the United Nations Children's Fund and other United Nations organs were entitled to be represented when the Committee considered questions falling within their mandates; the second concerned participation in public meetings of the Committee: any body given United Nations status could be represented; the third related to private meetings, at which the Committee or its subsidiary bodies might need the help of some of the organs mentioned in article 45 of the Convention, and they therefore had the possibility of inviting them to take part in their work. Characterizing different organs as observers might blur distinctions between them and thus be contrary to the spirit of the Convention, which granted

UNICEF and other United Nations organs a different status with regard to participation in the Committee's work. Furthermore, the term "observers" was not mentioned in article 45 of the Convention.

20. Mr. KOLOSOV explained that observer status granted the bodies in question the right to participate in the Committee's work and that it was therefore justified in the case of bodies which the Committee wished to have take an active part in its work. As used in rule 34, paragraph 1, the term "observers" was understood to mean agencies, bodies and organs that were entitled to take the floor and distribute documents in the Committee without having been invited by the Committee to do so; those same bodies were fully entitled to take part in private meetings of the Committee, provided they had been invited to do so; the other competent bodies concerned, namely, NGOs and inter-governmental organizations not belonging to the United Nations family, could also be given observer status on invitation by the Committee. If they did not receive such status, the bodies in question could only attend Committee meetings, without actively participating.

21. Mrs. BELEMBAOGO said she agreed with Mr. Kolosov that observer status in no way lessened the contribution the Committee could expect from the bodies mentioned in rule 34.

22. The CHAIRMAN said that the discussion on the question of participation by the specialized agencies, the United Nations Children's Fund and other United Nations organs in the Committee's work had focused on the distinction clearly established in rule 34 between the types of organizations and the nature of the Committee's meetings.

23. Miss MASON suggested that the text of rule 34 should be accompanied by a note containing the Committee's interpretation of the term "observers".

24. Mr. HOUSHMAND (Representative of the Secretary-General) said that the United Nations had already provided a definition of that term.

25. Mr. CANTWELL (Defense for Children International Movement) said that the group of 40 or so non-governmental organizations that had taken part in the drafting of the Convention had met at least twice per year since then, in particular to collect data concerning the United Nations organs that were of the most interest to its work and disseminate the information obtained. It thus hoped to be able to make a significant and two-fold contribution to the work of the Committee on the Rights of the Child, on the one hand, by providing it and other United Nations organs with useful data and, on the other, by establishing a link between the Committee and national and local NGOs. It would therefore be very useful if the Committee would explain in what way and according to which modalities it would like to receive information from NGOs.

26. The CHAIRMAN asked whether the members of the Committee wished to adopt the text of rule 34 as it stood.

27. Mrs. SANTOS PAIS said that she was prepared to endorse the view of the majority of the members of the Committee, although she continued to have some reservations about the use of the word "observers". The Committee also had to

take a decision on the proposal by the representative of the ILO that the words "private meetings" should be replaced by the words "other meetings" at the end of the second sentence of paragraph 1.

28. Mr. KOLOSOV said that accepting that proposal would detract from the status of the bodies concerned. They were entitled to take part in the Committee's public meetings without having been explicitly invited to do so by the Committee. That would no longer be the case if the words "private meetings" were replaced by the words "other meetings", since the latter covered both public and private meetings.

29. Mrs. SANTOS PAIS said that she did not agree with Mr. Kolosov's interpretation, but she was prepared, in that case as well, to join in the majority position.

30. Mr. HAMMARBERG said that the problem in fact lay in the first sentence of rule 34 and, in particular, in the words "as fall within the scope of their mandate". In his view, it was for the bodies in question to determine whether the issues considered by the Committee fell within the scope of their mandate.

31. Mr. KOLOSOV said that he endorsed Mr. Hammarberg's point of view.

32. Mr. SWEPSTON (International Labour Organisation) said that, if the Committee adopted that interpretation of the words "as fall within the scope of their mandate", he would withdraw his proposal.

33. The CHAIRMAN asked whether the Committee was prepared to adopt the text of rule 34 as it stood subject to that interpretation.

34. It was so decided.

35. Rule 34 was adopted as it stood.

36. Mr. HAMMARBERG said he believed that the Committee should either inform the representatives of the non-governmental organizations present in the room of the date on which it would begin considering agenda items 8 and 9 or authorize them to take part in the discussion as of the present time.

37. The CHAIRMAN said that the representatives of the non-governmental organizations in question could take part in the debate only if they had comments to make on the rules of procedure. They could express their views on their relations with the Committee and on the course of the Committee's work during the consideration of agenda item 9. However, it was difficult to say exactly when agenda item 9 would be discussed. It would probably not be possible to have a clear idea before the following week.

38. Mr. HAMMARBERG said he understood that it was difficult to take a final decision on the Committee's calendar of work at the present time. However, the Secretariat might prepare a provisional calendar that could be distributed the following Monday.

39. The CHAIRMAN said she agreed that the representatives of NGOs might be invited to attend the meeting on Monday, 7 October, in order to be informed of the Committee's organization of work through the end of the session.

Rule 37 (Distribution of official documents)

40. The CHAIRMAN informed the Committee that Mrs. Santos País was proposing that the last phrase of paragraph 2 should be deleted and that the following two new paragraphs 4 and 5 should be added:

> "4. In order to provide wider dissemination of the Convention and create greater awareness of the work of the Committee, documents for general distribution will be freely available at the relevant United Nations documentation centres (see A/45/636, para. 69).
>
> 5. For the purpose of gathering and facilitating access to the various sources of information that are indispensable for the effective functioning of the Committee, a committee resource room will be established (see Commission on Human Rights resolution 1991/20, para. 6)."

41. Mrs. SANTOS PAIS explained that new paragraphs 4 and 5 simply repeated proposals that had already been formulated concerning other human rights bodies and had been found to be very important for the implementation of the international instruments with which those bodies dealt. She acknowledged, however, that the two paragraphs would be more appropriately placed in recommendations that the Committee would adopt at the end of its session and she would therefore not insist that they should appear in the rules of procedure. According to paragraph 2, moreover, reports and information supplied to the Committee by the specialized agencies, the United Nations Children's Fund or other United Nations organs and competent bodies would be distributed by the Secretariat to all members of the Committee in the original languages in which they had been submitted; that meant that they would not be translated into other languages. She wondered whether, independently of any financial considerations, it would be that difficult to have some of those reports translated at least into the main working languages.

42. Mrs. KLEIN-BIDMON (Secretariat) explained that the documents in question were for the most part reports or documents that had already been prepared by the specialized agencies and other United Nations organs and bodies and had therefore usually already been translated. Concerning the others, she assured the Committee that the Secretariat would do its best, within the limits of available resources, to have them translated.

43. Mr. MIJETEIG-OLSSEN (United Nations Children's Fund) said he was not very sure whether the reports and information mentioned in rule 37, paragraph 2, were the same reports and information referred to in rule 69 of the rules of procedure. He would also like to know whether those documents were considered to be official documents of the Committee, in which case they should automatically be translated into the appropriate languages. In his opinion, it would be useful for all Committee documents to be translated into the official United Nations languages so that they could be given the widest

possible distribution. UNICEF documents were usually published in English, French and Spanish and sometimes also in other languages and they would therefore be available in those languages.

44. Mrs. BELEMBAOGO said she agreed that all official documents should be available in all languages. Concerning the amendments proposed by Mrs. Santos País, she would like to know whether the United Nations documentation centres mentioned in the proposed new paragraph 4 were the same United Nations information centres that existed in all countries or whether they were different centres.

45. Mr. KOLOSOV drew the Committee's attention to rule 31 of the rules of procedure, which stated that "All official documents of the Committee shall be issued in the working languages, and any of them may be issued in the other official languages upon decision of the Committee". That meant that, if a document was an official document, it was automatically translated into the working languages. The question was what should be understood by the term "official document of the Committee". If it included the reports submitted by the specialized agencies or other United Nations organs, then they should be translated.

46. Mr. HAMMARBERG said he believed that the problem lay in the drafting of the paragraph and that it should perhaps be reformulated more precisely.

47. Mrs. KLEIN-BIDMON (Secretariat), referring to the comments by the representative of UNICEF, pointed out that it would be impossible to have all Committee documents translated into the six official United Nations languages. A distinction should also be made between official language and working language. The working languages of most United Nations organs were usually English, Spanish and French and, in some cases, Arabic and Russian. None of them, with the exception of the General Assembly, had all six official United Nations languages as their working languages.

48. Mr. SWEPSTON (International Labour Organisation) said that the comments of the ILO Convention monitoring bodies were generally available in English and French and sometimes also in Spanish. Since the purpose of the documents was to inform the Committee and help it in its work, it did not appear necessary also to have them translated into four other languages. The problem might be different in the case of documents intended for publication. It was thus important to distinguish between documents for internal use submitted to the Committee for information and documents for outside use.

49. The CHAIRMAN said she believed that the Committee agreed that the new paragraphs 4 and 5 proposed by Mrs. Santos País would not appear in the rules of procedure and that it accepted the amendment for the deletion of the last phrase of paragraph 2.

50. Mrs. SANTOS PAIS explained that she was proposing only that the words "to members of its subsidiary bodies and ..." should be deleted at the end of paragraph 2, for the reasons she had already given. It would be quite useful for the information documents supplied to the Committee also to be distributed to the States parties concerned.

51. Mr. KOLOSOV said he was not absolutely certain that the phrase in question should be deleted for the reason given, namely that only members of the Committee were members of those subsidiary bodies. It might be possible for a subsidiary body of the Committee also to have among its members a representative of a specialized agency such as UNICEF or another United Nations organ and there would then be no reason to deprive the representative of the information supplied. In his view, it would be preferable to keep that phrase.

52. Mrs. SANTOS PAIS said that she had not intended to limit opportunities for persons other than members of the Committee to take part in the work of its subsidiary bodies. Some thought should perhaps be given to the meaning of the words "subsidiary body". However, if her proposal would have the effect of preventing certain members of the subsidiary bodies from obtaining some essential information, she was prepared to withdraw it.

53. Mr. HAMMARBERG said that the problem might be solved by considering that only members of the Committee could be full members of the subsidiary bodies, meaning that only they could vote and take decisions, but that each of those bodies might admit other members and work in cooperation with observers. In that case, the deletion of the phrase in question would not give rise to any problems.

54. Mr. KOLOSOV said he was not entirely in agreement with the interpretation given by Mr. Hammarberg concerning the composition of the subsidiary bodies, for it prejudged, as it were, the Committee's implementation of rule 63: the Committee might very well decide that a particular subsidiary body would also include persons who were not among its members.

55. Mr. HAMMARBERG said that there was not necessarily any contradiction between his interpretation and the implementation of the provisions of rule 63. It was simply a question of taking a decision of principle regarding the status of the persons who would make up the Committee's subsidiary bodies. In his view, inasmuch as the Committee might delegate some decision-making power to those bodies, only members of the Committee should be full voting members, of those bodies, but that would in no way prevent cooperation between those experts and any persons the Committee might wish to have join them.

56. Mrs. SANTOS PAIS said she believed that ultimately, the amendment under consideration went against the spirit of openness the Committee wanted to adopt. In rule 34, the Committee gave observers the means of participating very actively in its work and that of its subsidiary bodies and it could not, in another rule, refuse those observers access to documentation, for that would amount to depriving them of their means of cooperating effectively with the Committee.

57. The CHAIRMAN reminded the members that rule 37 dealt with the distribution of Committee documents and not strictly speaking, with the status of members of subsidiary bodies. She therefore suggested that the Committee

should drop the amendment under review and postpone consideration of the question of the composition of the subsidiary bodies.

58. It was so decided.

59. Rule 37 was adopted as it stood.

60. The CHAIRMAN invited the members of the Committee to resume their consideration of the rules that had been left pending, beginning with those for which proposed amendments had been submitted to her in writing.

Rule 66

61. The CHAIRMAN read out the new text of rule 66 prepared by the Rapporteur and containing several changes: in paragraph 1 of the French version, the words "pourra adresser" should be replaced by the word "adressera" and, at the end of the paragraph, the words "and undertake any other efforts in a spirit of dialogue between State concerned and the Committee" should be added; in paragraph 2, the words "If even after the reminder" should be replaced by the words "If even after the reminder and other efforts" and the words "shall consider the situation as it deems necessary and" should be added after the words "the Committee".

62. Rule 66, as amended, was adopted.

Rule 70

63. The CHAIRMAN read out the new text of rule 70 which had been prepared by the Working Group of the Comittee and contained the following changes: the title would read: "Suggestions and recommendations on a State party report". Throughout the text, the words "general recommendations" should be replaced by the word "recommendations". Paragraph 3 would read:

> "3. The Committee shall include in its reports to the General Assembly comments, suggestions and recommendations, together with comments, if any, received from States parties."

> Rule 70, as amended, was adopted.

New rule 70 bis

64. The CHAIRMAN read out the following new rule which the Working Group was proposing for inclusion in the draft rules of procedure:

> "General recommendations
>
> The Committee may make general recommendations based on information received pursuant to articles 44 and 45 of the Convention (and rules 65 and 69 of these rules).
>
> The Committee shall include such general recommendations in its reports to the General Assembly."

65. Mr. HAMMARBERG noted that, if the text under consideration was adopted, it should become new rule 71 so that provisions covering related matters would be grouped together. Current rule 71 would thus become rule 73 and the provisions of chapter XVI would be renumbered accordingly.

66. Rule 70 bis was adopted and became new rule 71.

Rule 72

67. The CHAIRMAN read out a proposal by the the Working Group that the existing provisions of rule 72 should be replaced by the following text:

"General comments on the Convention

The Commitee may prepare general comments based on the articles and provisions of the Convention with a view to assisting and promoting its further implementation and to assisting States parties in fulfilling their reporting obligations.

The Committee shall include such general comments in its reports to the General Assembly."

68. Mrs. KLEIN-BIDMON (Secretariat) asked whether, for purely stylistic reasons, it would not be enough to say "with a view to promoting its further implementation and to assisting States parties in fulfilling their reporting obligations".

69. The CHAIRMAN noted that the Committee adopted that suggestion.

70. Rule 72, as amended, was adopted.

Rule 33; rule 64

71. Mrs. SANTOS PAIS recalled that some members of the Committee had been of the opinion that the Committee's press releases and special reports should be given broader publicity than provided for in the draft rules of procedure as they now stood. Since rules 33 and 64 would be the most appropriate place to incorporate that idea, she suggested that the Committee should wait until it had a new draft text before taking a decision on those provisions.

72. It was so decided.

Rule 69

73. Mrs. SANTOS PAIS, referring to paragraph 1, proposed that, in order to bring the wording of rule 69 into line with article 45 (a) of the Convention, the words "on matters" should be replaced by the words "in areas".

74. Mr. KOLOSOV noted that paragraph 1 referred to "the scope of activities" of the specialized agencies and United Nations organs, while paragraph 2 spoke of the "respective mandates" of those agencies and organs. He believed that it would be better to choose either one expression or the other and use it in both cases, unless the distinction between the two was relevant.

75. Mrs. SANTOS PAIS confirmed that two different ideas were involved: according to the Convention, the reports submitted by the specialized agencies and United Nations organs fell within their scope of activity, while the expert advice they were called on to provide fell within their respective mandates.

76. Mr. HAMMARBERG drew the Committee's attention to paragraph 3 of the rule, which referred to the time-limit within which such reports or advice should be supplied to the Committee. He explained that, in setting a time-limit under the present circumstances, the Committee did not mean to dictate the behaviour of the specialized agencies and United Nations bodies, but simply to provide itself with the opportunity to plan its work.

77. Mr. SWEPSTON (International Labour Organisation) said that such had been his understanding.

78. Mr. MIJETEIG-OLSSEN (United Nations Children's Fund) pointed out that article 45 of the Convention also mentioned studies to be undertaken by the Secretary-General on the Committee's behalf on specific issues relating to the rights of the child: although rule 73 of the Committee's rules of procedure provided broad scope for the preparation of such studies, it would nevertheless be appropriate to clarify what the Committee meant by the reports and expert advice on the implementation of the Convention referred to in rule 69 of the rules of procedure.

79. The CHAIRMAN said she believed that the Committee agreed to the amendment to paragraph 1 of the English text, which Mrs. Santos Pais was proposing.

80. Rule 69, as amended in the English version, was adopted.

Rules pending

81. Mr. HAMMARBERG asked whether it might not be possible immediately to adopt rules 33 and 64 as they stood, even if that meant returning during the general discussion to the ideas expressed by some members of the Committee on the publicity that should be given to its work and elaborating one or two extra rules at that time.

82. The CHAIRMAN noted that the Committee had decided to postpone consideration of rule 31 in order to bring its provisions into line with the amendment to rule 37, stating that the official languages of the Committee would also be its working languages. She believed that the Committee might adopt rule 31 as it stood, since the distinction between official languages and working languages had disappeared.

83. Mrs. SANTOS PAIS said she wondered whether the Committee had acted wisely in making all the official United Nations languages its working languages: it might thus have to spend too large a share of its resources, which it would need for other activities, on publishing its documents. She suggested that the Committee should wait to have an idea of the financial implications of such a decision before taking a decision on the rule in question.

84. Mr. KOLOSOV said that he endorsed Mrs. Santos País' proposal and noted that the political implications of that decision, which created a precedent, would also have to be weighed.

85. The CHAIRMAN noted that the Committee wished again to postpone the consideration and adoption of rules 31, 33 and 64.

86. It was so decided.

The meeting rose at 6.05 p.m.